

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHET LAUX,

Plaintiff,

v.

Case No. 20-C-270

AMERICAN AXLE & MANUFACTURING INC., et al.,

Defendants.

ORDER

Plaintiff Chet Laux commenced this action for judicial review of the denial of his claim for disability benefits under the American Axel & Manufacturing Inc. Life and Disability Plan for Hourly Employees in violation of § 502(a)(1)(B) of the Employee Retirement Income Security Act of 1974 (ERISA). On January 28, 2021, the Court concluded that Defendants acted arbitrarily and capriciously in denying Plaintiff's claim for short-term disability insurance benefits on the basis that his claim was untimely, but rather than remand the case for further consideration of Plaintiff's application, the Court prematurely concluded that Plaintiff was entitled to benefits. Judgment was entered the same day. The Court partially granted Plaintiff's motion for attorney's fees and costs on April 8, 2021. Defendants filed a notice of appeal on April 21, 2021. The Court of Appeals dismissed the appeal for lack of jurisdiction and directed the parties to return to the district court for a determination of Plaintiff's damages. On October 29, 2021, the Court entered an order to amend the judgment reversing and remanding the matter to the plan administrator for a full and fair review of Plaintiff's claim. The amended judgment was entered later that day. Defendants filed a notice of appeal on November 19, 2021.

On January 27, 2022, the parties filed a joint motion for an indicative ruling. The parties indicated that they engaged in mediation facilitated by a court-appointed mediator and reached a settlement conditioned upon the Court vacating its January, April, and October orders, as well as the Court's January judgment and October amended judgment upon remand. The Court granted the motion on February 7, 2022, and, pursuant to Federal Rule of Civil Procedure 62.1, indicated that it would vacate its January 28, 2021 order, April 8, 2021 order, October 29, 2021 order, January 28, 2021 judgment, and October 29, 2021 amended judgment upon remand. On February 17, 2022, the case was remanded from the Seventh Circuit.

IT IS THEREFORE ORDERED that the Court's January 28, 2021 order, April 8, 2021 order, October 29, 2021 order, January 28, 2021 judgment, and October 29, 2021 amended judgment are **VACATED**.

IT IS FURTHER ORDERED that, pursuant to the parties' stipulated settlement, this action is **DISMISSED**.

Dated at Green Bay, Wisconsin this 22nd day of February, 2022.

s/ William C. Griesbach

William C. Griesbach
United States District Judge